

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EUGENE EDWARDS,	)	
	)	
Petitioner	)	Civil Action
	)	No. 16-cv-03554
v.	)	
	)	
THE DISTRICT ATTORNEY OF BUCKS	)	
COUNTY and	)	
THE ATTORNEY GENERAL OF THE	)	
COMMONWEALTH OF PENNSYLVANIA,	)	
	)	
Respondents	)	

O R D E R

NOW, this 26th day of February, 2017, upon  
consideration of following documents:

Petition Under 28 U.S.C. § 2254 for Writ of  
Habeas Corpus by a Person in State Custody filed  
by petitioner Eugene Edwards pro se on May 30,  
2016;<sup>1</sup>

Answer in Opposition to Petition for Habeas  
Corpus Relief and Memorandum of Law in Support  
Thereof, which answer was filed by respondents on  
October 24, 2016, together with

Supplement to Answer in Opposition to  
Petition for Writ of Habeas  
Corpus/Memorandum of Law in Support Thereof  
Pursuant to U.S.C.S. Section 2254, Rule 5;

Exhibits A through C;

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<sup>1</sup> Petitioner Eugene Edwards certifies that he placed his petition in the prison mailing system on May 30, 2016. Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody at page 16.

Pursuant to the prison mailbox rule, this court will consider its date of filing to be May 30, 2016. The prison mailbox rule deems a pro se prisoner's habeas corpus petition to have been filed on the date he delivers it to prison officials to mail. Burns v. Morton, 134 F.3d 109, 113 (3d Cir. 1997).

Report and Recommendation of United States  
Magistrate Judge Timothy R. Rice dated and filed  
December 19, 2016;

it appearing that no objections have been filed to the Report  
and Recommendation of Magistrate Judge Rice;<sup>2</sup> it further  
appearing after review of this matter that Magistrate  
Judge Rice's Report and Recommendation correctly determined the  
legal and factual issues presented in the petition for habeas  
corpus relief,

IT IS ORDERED that Magistrate Judge Rice's Report and  
Recommendation is approved and adopted.

IT IS FURTHER ORDERED that petitioner's Petition Under  
28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State  
Custody is denied without an evidentiary hearing.

IT IS FURTHER ORDERED that because petitioner has not  
met statutory requirements to have his case heard, and no

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<sup>2</sup> Petitioner received a Notice accompanying the Report and  
Recommendation stating that petitioner was required to file any objections to  
the Report and Recommendation within fourteen days of service of the Notice  
and filing of the Report and Recommendation pursuant to Rule 72.1(IV)(b) of  
the Local Rules of Civil Procedure for the United States District Court for  
the Eastern District of Pennsylvania. The Report and Recommendation and the  
Notice were filed and served by mail and email on December 19, 2016. Thus,  
any objections were required to be filed on or before January 2, 2017.

On January 3, 2017, the court received a letter from petitioner  
dated December 29, 2016, which requested a 14-day extension to file  
objections to Magistrate Judge Rice's Report and Recommendation. By Order  
dated and filed January 24, 2017, I granted petitioner's letter request and  
ordered him to file his objections by February 9, 2017. In effect,  
petitioner had an additional 38 days to file objections.

However, as of the date of this Order, petitioner has not filed  
any objections to the Report and Recommendation.

reasonable jurist could find this procedural ruling debatable, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER  
James Knoll Gardner  
United States District Judge